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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/150,692	09/10/1998	GARY S. BACHAND	5137	6792

7590 04/26/2005
JOHN A O'TOOLE
P O BOX 1113
MINNEAPOLIS, MN 55440

EXAMINER

BECKER, DREW E

ART UNIT	PAPER NUMBER
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1761

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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0405

DATE MAILED:

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Commissioner for Patents

The Petition filed August 30, 2004 to withdraw the Notice of Abandonment has been reviewed. The Notice of Abandonment has been withdrawn and the case will be forwarded to the Office of Publications.

Attached is a copy of the Examiner's Amendment mailed on November 5, 2003.

Drew Becker
DREW BECKER
PRIMARY EXAMINER
4-22-05

Drew E Becker
Primary Examiner
Art Unit: 1761

DETAILED ACTION

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Alan Kamrath on October 14, 2003.

The application has been amended as follows:

Cancel claims 11-14.

Claim 15 (amended):

[The rolled food item of claim 14] Rolled food item comprising, in combination: a strip of support material and food, with the strip of support material and food having a trailing edge and a leading edge, with the strip of support material and food being rolled in a roll having a periphery and a center, with the support material located on the outside of the roll, with the trailing edge located on the periphery, with the leading edge located adjacent the center of the roll, with the food having a first portion adjacent the trailing edge and a second portion of a substantially longer length than the first portion, with the first portion of the food having a moisture content greater than the moisture content of the second portion and so that the tackiness of the food is sufficient for the food to adhere to the support material in the roll to at least prevent unrolling of the roll during fabrication of the rolled food item, wherein the first portion has a length

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approximately 10% of the length of the strip of support material and food between the trailing and leading edges.

Allowable Subject Matter

2. Claims 1-10 and 15-20 are allowed.

3. The following is an examiner's statement of reasons for allowance: the method for fabricating a rolled food item of independent claim 1 defines over the prior art of record since the prior art does not teach, suggest, nor render obvious spraying a deposit of a source of moisture on the food adjacent to its trailing edge prior to rolling, with the source of moisture increasing the tackiness of the food sufficient for the food to be adherable to the support material to prevent unrolling, in view of the Board of Patent Appeals and Interferences Decision of July 8, 2003; the rolled food item of independent claim 15 defines over the prior art of record since the prior art does not teach, suggest, nor render obvious the first portion having a length approximately 10% of the length of the strip of support material and food between the trailing and leading edges, in view of the Board of Patent Appeals and Interferences Decision of July 8, 2003.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew E Becker whose telephone number is 703-305-0300. The examiner can normally be reached on Monday-Thursday 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 703-308-3959. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1495.

Drew E Becker
Examiner
Art Unit 1761